

Congress of the United States
House of Representatives
Washington, DC 20515-2107

July 16, 2004

Chairman Paul G. Afonso
Mass Department of Telecommunications & Energy
One South Station
Boston, MA 02110

RE: Docket No. CTV 03-3

Dear Chairman Afonso:

I am writing with respect to proposals under consideration by the Cable Division (Docket No. CTV 03-3) addressing the cable franchise renewal process. I am concerned that such proposals may adversely affect the ability of local franchising authorities in cities and towns around the Commonwealth to adequately address community needs and interests in the franchising renewal process and afford the public a meaningful ability to comment and participate in such process.

Consistent with Section 626 of the Communications Act of 1934 (47 U.S.C. 546), the ability of local franchising authorities to ascertain their communities' future cable-related needs and interests is an important task and one that should not be weakened by any changes in Massachusetts regulations. Local franchising authorities are uniquely situated to understand and reflect the needs of their residents and the authority to obtain from cable operators the relevant information needed to perform franchising duties should not be diluted or undermined. Specifically, I am concerned about proposals to terminate the right of municipalities to conduct ascertainment 18-months prior to the expiration of a cable franchise. I believe that the ascertainment efforts of municipalities must be supported, especially in light of the fact that many municipal officials and committees are composed of volunteers dedicating their time and energy to this endeavor in furtherance of the public interest.

Premature termination of the ascertainment process may result in additional expense to cities and towns prior to a point when a franchise authority and a cable operator can reasonably determine whether a renewal agreement is achievable through the normal give-and-take of informal negotiations. If a municipality's right to ascertainment is terminated at a premature date, it may be forced to either expend significant resources on additional, more formal ascertainment efforts which typically are only needed in the event of the failure of the parties to reach an agreement. Alternatively, some municipalities may forgo such earlier ascertainment undertakings to the possible detriment to the residents of such municipality with respect to its negotiating position in the informal process and particularly in the event a preliminary assessment of non-renewal is issued. This additional financial burden may prove difficult at a time when the financial resources of cities and towns are quite limited.

Thank you for the opportunity to share my views with you and your colleagues on these matters. I appreciate the time and attention you and your fellow Commissioners give to supporting the public interest. Should you have any questions or require additional information, please do not hesitate to contact Rocco DiRico of my Medford District Office at 781-396-2900.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style with a large, prominent "E" and "M".

Edward J. Markey

EJM/rd